

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: WHIRLPOOL FRONT-
LOADING WASHER PRODUCTS
LIABILITY LITIGATION**

: Case No. 1:08-wp-65000
: MDL No. 2001
: Class Action
:
: Judge: James S. Gwin

AFFIDAVIT OF NOELLE FITZGERALD

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

I, Noelle Fitzgerald, after having been duly cautioned and sworn, state as follows:

1. I have been the Associate Director, Fabric & Home Care, of The Procter & Gamble Company ("P&G") since 2007. I have personal knowledge of the facts asserted in this Affidavit and am competent to testify to the matters set forth herein.

2. I carefully reviewed the transcript of my deposition taken in the above-captioned matter on January 26 and 27, 2010 as well as the Exhibits thereto. I have concluded that in order to maintain the secrecy of P&G's trade secrets and confidential information, the following Exhibits to my deposition, which are marked as "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY" must not be disclosed to the public or the parties in this case: Exhibits 2, 5, 12, 18, 19, 20, 22, 27, 31, 32, 36, 40, 41, 43, 44, 45, 49, 51, 52, 54, 57, 58, 59 and 60. The protection of the confidentiality of this information, which primarily pertains to the development of the Tide Washing Machine Cleaner and other P&G products, is crucial because Whirlpool is a direct or potential competitor in that product space.



3. Likewise, I have concluded that the following testimony must be maintained as "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY" and not disclosed to the public or the parties in this case:

Page 103 lines 9-19
Page 194 lines 7-15
Page 271 lines 4-24
Page 272 lines 1-10
Page 301 lines 3-16
Page 302 Lines 5-24
Page 303 Lines 1-9
Page 318 Lines 5-17
Page 412 Lines 11-24
Page 413 Lines 1-7
Page 450 lines 5-16
Page 460 lines 6-19
Page 492 lines 21-24
Page 493 lines 1-22
Page 533 lines 21-24
Page 534 lines 1-12
Page 535 lines 18 - 24
Page 536 lines 1-12
Page 537 lines 20 - 24
Page 600 lines 5-24
Page 601 lines 1-22

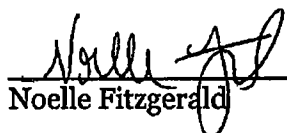
4. The foregoing exhibits and testimony contain or reflect the trade secret and other confidential and proprietary information of P&G, including but not limited to its inventions, formulae, techniques, programs, processes, systems, concepts, technological developments, marketing strategies, know-how and other confidential information used in the business operations of P&G.

5. The information contained in those exhibits and deposition excerpts derives independent economic value because, among other reasons, it is neither published nor publicly disseminated, it is not a matter of general public knowledge and it is not generally

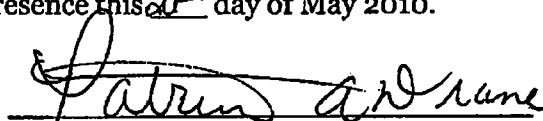
known to and is not readily available by proper means by others who could obtain economic value from its disclosure.

6. The public disclosure of such information, including disclosure to the parties in this case, would cause substantial monetary if not irreparable harm to P&G.

Further Affiant saith naught.


Noelle Fitzgerald

Sworn to and subscribed in my presence this 2nd day of May 2010.


NOTARY PUBLIC

PATRICIA A. DRANE
Notary Public, State of Ohio
My Commission Expires 05-18-2013